

**GENERAL NJPDES-DSW PERMIT TO DISCHARGE STORMWATER
INTO THE WATERS OF THE STATE OF NEW JERSEY
FROM CONSTRUCTION AND MINING ACTIVITIES
Permit No. NJG0088323**

Fact Sheet

This general permit controls discharges to surface water of stormwater at facilities where construction activities, including clearing, grading, and excavation are occurring, which disturb five acres or more of land, or that disturb less than five acres but are part of a larger plan of development or sale; and facilities engaged in certain kinds of mining or quarrying of sand, gravel, soil, shale, stone or clay, including crushing, grinding, pulverizing or washing.

The most recent version of this general permit was issued on May 5, 1997, and will expire January 31, 2002. It is being reissued with the same conditions as the previous permit. However, the format of the general permit is being revised to be consistent with the General Permit format that is presently being used.

General Permit No. NJ0088323 relies on Stormwater Pollution Prevention Plans (SPPPs), rather than numerical effluent limitations to eliminate or minimize the discharge of pollutants to surface waters. This general permit recognizes that stormwater discharges from these facilities are regulated under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and integrates the requirements of this general permit with the requirements of that Act. The SPPP required by this permit consists solely of a soil erosion and sediment control plan (or municipal ordinance requirements).

BACKGROUND

The New Jersey Department of Environmental Protection (Department) is the issuing authority for NPDES permits in the State of New Jersey, and issues those permits as part of the New Jersey Pollutant Discharge Elimination System (NJPDES). As a response to the publication of the USEPA stormwater discharge rules, the Department first issued the "construction" general permit, for stormwater discharges from certain construction, mining, and quarrying activities, in 1992 and revoked and reissued it in 1997, as part of the NJPDES rules, N.J.A.C. 7:14A. The general permit was issued by the Department, but requests for authorization (RFAs) under the general permit have been certified by individual Soil Conservation Districts within New Jersey, or by the New Jersey Department of Transportation (NJDOT). For a more thorough discussion of the background and conditions of the general permit, see the Department's Fact Sheets for the draft general permit (dated June 5, 1992 and February 5, 1996), and the New Jersey Register notices for the proposal and adoption of NJPDES rule changes (see 24 N.J.R. 2352(a), 4088(a), 4364(a), 4522(a), 25 N.J.R. 687(a) 28 N.J.R. 320(a), and 29 N.J.R. 1704(a) and 3822(a)).

Effective January 22, 2002, the text of the general permit was removed from the NJPDES rules (through the deletion of N.J.A.C. 7:14A-11.5(j) and the repeal of N.J.A.C. 7:14A-11 Appendices B; see 33 N.J.R. 3636(a), 34 N.J.R. 595(a)). The general permit remains in full force and effect, however.

The present permit action is a draft renewal.

TYPE OF FACILITY OR ACTIVITY

The type of construction, mining or quarrying facility or activity which is the subject of the draft general permit is unchanged from the type of facility or activity which was the subject of the general permit issued on May 5, 1997. For further discussion, see the February 5, 1996 Fact Sheet, and the 1997 New Jersey Register notices for the adoption of NJPDES rule changes (29 N.J.R. 1704(a) and 3822(a)).

Based upon a continuing evaluation of stormwater permitting issues, the Department is considering issuing NJPDES permits other than this general permit to address stormwater discharges from mining and quarrying operations currently eligible for this general permit. However, mining and quarrying operations that have historically been eligible for this general permit, are still eligible until such time as this general permit is revised to eliminate such eligibility, or until authorizations of such operations under this general permit are revoked under N.J.A.C. 7:14A-6.13.

The permit applies to all areas of the State of New Jersey.

TYPE AND QUANTITY OF POLLUTANTS DISCHARGED

The type and quantity of pollutants discharged under this draft general permit is similar to the type and quantity of pollutants discharged under the general permit issued on May 5, 1997. For further discussion, see the February 5, 1996 Fact Sheet.

BASIS FOR PERMIT CONDITIONS

The basis for this draft general permit is similar to the basis for the general permit issued on May 5, 1997. For further discussion, see the February 5, 1996 Fact Sheet, and the 1997 New Jersey Register notices for the adoption of NJPDES rule changes (29 N.J.R. 1704(a) and 3822(a)). N.J.A.C. 2:90-1 (State Soil Conservation Committee rules pursuant to the Soil Erosion and Sediment Control Act) was amended in 1999 and readopted in 2000 (see 31 N.J.R. 1799(a), 32 N.J.R. 2047(a)). The NJDOT Soil Erosion and Sediment Control Standards (N.J.A.C. 16:25A) were readopted with amendments in 1998 (30 N.J.R. 1623(a)).

PROCEDURES FOR REACHING FINAL DECISIONS ON THE DRAFT PERMIT

The public notice includes requirements for the submission of comments to the Draft Permit, procedures for requesting a hearing, and other procedures for participation in the

final agency decision, as set forth in N.J.A.C. 7:14A-15. The comment period will begin on the date the public notice is published in DEP Bulletin and will end thirty (30) days after publication. The public comment period may be extended if public interest warrants.

DEPARTMENT CONTACT

Additional information concerning the Draft Permit may be obtained between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday from the Bureau of Nonpoint Pollution Control at (609) 633-7021 or (609) 292-0407.